S.B. Cr. Bail Application No. 4840/2007
(Shambu Nath Vs. State of Rajasthan)

Date of order : 27.09.2007

HON'BLE MR.H.R.PANWAR,J.

Mr. P.N.Mohanani for the petitioner.
Mr. Ashok Upadhyay, P.P.

Heard learned counsel for the petitioner and public prosecutor for the State. Perused the order impugned and challan papers. I have carefully gone through the statement of prosecutrix aged 16 years, however, as per the medical evidence, her age is 16 to 17 years, as also the statement of eye witness Manju sister of the prosecutrix in whose presence the victim was forcibly taken away by the petitioner.

Keeping in view the serious allegation of rape against the present petitioner and the fact that eye witness has seen dragging and forcibly taking away the prosecutrix by the present petitioner, in my view, it is not a fit case to release the petitioner on bail at this stage. The bail application filed by the petitioner under Section 439 Cr.P.C. is therefore, dismissed. However, it will be open for the petitioner to move a fresh bail application after the statement of prosecutrix is recorded by the trial court. The trial court shall record the statement of prosecutrix on priority basis.

(H.R.PANWAR), J.

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